

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

WILSON L. CLOW JR.  
THE CLOW FAMILY,

Plaintiff,

v.

GRANTS PASS PUBLIC SAFETY OFFICE  
OFFICER J. MOORE IN HIS OFFICIAL  
CAPACITY, OFFICER BLICH AND  
SGT. HAMILTON, DEPUTY CHIEF LANDIS  
THEIR OFFICIAL CAPACITY AND  
JOSEPHINE COUNTY DISTRICT  
ATTORNEYS OFFICE AND DONALD AND  
LORRAINE MOORE AS EMPLOYEES  
AND AGENTS OF, BARBARA G.  
BEAN, AND BARBARA G. BEAN  
D.B.A. REDWOOD CENTER,

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CLARKE, Magistrate Judge.

Civil No. 1:12-cv-00149-CL

REPORT AND RECOMMENDATION

Defendants Grants Pass Public Safety Office, Officer John Moore, Officer Kevin Blaich, Sergeant, Jim Hamilton, and Deputy Chief Bill Landis ("city defendants") have filed a motion for a limited judgment of dismissal (#73), seeking final judgment as to them pursuant to Federal Rules of Civil Procedure 54(b). Plaintiff opposes the motion.

Federal Rules of Civil Procedure 54 provides in pertinent part:

When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are

involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment...

The court entered summary judgment in favor of the moving defendants on August 21, 2012 (#64). The only remaining defendant in this case is Barbara Bean, dba Redwood Center. The court finds that there is no just reason for delay and final judgment should be entered as to city defendants.

### RECOMMENDATION

Based on the foregoing, it is recommended that city defendant's motion for limited judgment (#73), be granted. Final Judgment pursuant to Federal Rules of Civil Procedure 54(b) should be with prejudice and without costs to the parties.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 14 day of December, 2012.

  
MARK D. CLARKE  
United States Magistrate Judge